

The article was alleged to be adulterated in that imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor had been substituted wholly or in part for pure vanilla flavor; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statement "Pure Vanilla Flavor" was false and misleading as applied to an imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor; in that it was offered for sale under the name of another food; and in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2095. Adulteration and misbranding of vanilla extract. U. S. v. 40 Cases of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 4316. Sample No. 21320-E.)

This product contained resinous substances not found in genuine vanilla.

On April 12, 1941, the United States attorney for the Northern District of California filed a libel against 40 cases of vanilla extract at Sacramento, Calif., which had been shipped by S. E. Rykoff & Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 17, 1941, from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "8 Fl. Oz. Pure Extract Vanilla Plantation Extract Corp., New York, N. Y."

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

2096. Misbranding of bust developer. U. S. v. Myrtle E. Edwards (Elga Laboratories). Plea of guilty. Defendant placed on probation for 4 years. (F. D. C. No. 2115. Sample No. 5904-E.)

This product was falsely represented to be a "normalizing food" that would develop the bust. Its label failed to bear the common or usual name of each ingredient, and it contained undeclared color.

On September 11, 1940, the United States attorney for the Northern District of California filed an information against Myrtle E. Edwards, trading as Elga Laboratories, at San Francisco, Calif., alleging shipment on or about January 29, 1940, from the State of California into the State of Ohio of a quantity of Elga Bust Developer that was misbranded.

The article was alleged to be misbranded in that the statements, "Elga Bust Developer. A Specialized normalizing Food designed to suppliment nature, feeding systemically the sensitive, delicate, starved cells of immature, sagging or depleted breasts," borne on the bottle label were false and misleading in that they represented that the article would develop the bust; that it was a specialized normalizing food designed to supplement nature; and that it would feed systemically the sensitive, delicate, starved cells of immature, sagging, or depleted breasts; whereas it would not be effective for such purposes. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and its label did not bear the common or usual name of each of